

**WESTFIELD REDEVELOPMENT COMMISSION
CONFIRMATORY RESOLUTION NO. 3-2011**

**RESOLUTION CONFIRMING THE AMENDED DECLARATORY RESOLUTION
OF THE WESTFIELD REDEVELOPMENT COMMISSION REGARDING
THE GRAND JUNCTION ECONOMIC DEVELOPMENT AREA**

WHEREAS, on July 7, 2009, the Redevelopment Commission (the “Redevelopment Commission”) of the City of Westfield (the “City”) adopted Declaratory Resolution No. 2-2009 (the “Original Declaratory Resolution”) establishing the Grand Junction Economic Development Area (the “Original Area”) as an economic development area under Indiana Code 36-7-14 and Indiana Code 36-7-25 *et seq.*, and all acts supplemental and amendatory thereto (collectively, the “Act”); and,

WHEREAS, the Original Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the Original Area as required by Indiana Code 36-7-14-41, (ii) approved an economic development plan for the Original Area (the “Original Plan”), (iii) found that the Original Plan conforms to other development and redevelopment plans for the City, (iv) found that no Original Area residents will be displaced due to the Original Plan, and (v) designated the Original Area as an “allocation area” to be known as the “Grand Junction Economic Development Allocation Area” as required by Indiana Code 36-7-14-39 (the “Original Allocation Area”) and approved and incorporated the Factual Report (the “Original Report”) supporting the Original Declaratory Resolution and the Original Plan presented at the July 7, 2009 meeting of the Redevelopment Commission, which Original Plan contained specific recommendations for economic development of the Original Area, including road, infrastructure and drainage improvements to the Original Area and related improvements and equipment serving the Original Area as further described in the Original Plan (the “Original Project”); and,

WHEREAS, on July 20, 2009, the Redevelopment Commission submitted the Original Declaratory Resolution, the Original Plan and supporting data to the Westfield-Washington Advisory Planning Commission (the “Plan Commission”) and the Plan Commission issued its written Order approving the Original Declaratory Resolution and the Original Plan as submitted; and,

WHEREAS, on August 10, 2009, the Common Council of the City (the “Common Council”) approved the Order of the Plan Commission and approved the creation of the Original Area and approved the actions of the Redevelopment Commission establishing the Original Area pursuant to Indiana Code 36-7-14-16(b) and Indiana Code 36-7-14-41(c); and,

WHEREAS, on August 12, 2009, after publishing notice of and conducting a public hearing in accordance with the Act, the Redevelopment Commission adopted Resolution 5-2009 confirming the Original Declaratory Resolution (the “Original Confirmatory Resolution”); and,

WHEREAS, on July 13, 2010, the Redevelopment Commission adopted Declaratory Resolution No. 2-2010 amending certain provisions of the Original Declaratory Resolution relating to the percentage of accumulated assessed value that the Redevelopment Commission could capture, collect and retain in the Original Allocation Area; and

WHEREAS, the Redevelopment Commission has investigated, studied and surveyed additional economic development areas within the corporate boundaries of the City; and

WHEREAS, the Redevelopment Commission has selected Expansion Area No. 1 including the Mainstreet Project Sub-Area (each as hereinafter defined) as an additional economic development area to be developed under the Act; and

WHEREAS, the Redevelopment Commission now proposes to amend the Original Declaratory Resolution, as previously amended by Declaratory Resolution No. 2-2010, by (i) expanding the boundaries of the Original Area by the addition of the parcels described in Exhibit A attached to Declaratory Resolution No. 2-2011 to be known as the Grand Junction Economic Development Expansion Area No. 1 (the “Expansion Area No. 1”) (the Original Area together with Expansion Area No. 1 are referred to as the “Grand Junction Consolidated Economic Development Area”); and (ii) removing three (3) parcels from the Original Area as described in Exhibit B attached to Declaratory Resolution No. 2-2011 (the “Amendment”); and,

WHEREAS, the parcel identified in Exhibit C to the Amendment constitutes a “sub-area” of the Expansion Area No. 1 for economic development purposes, shall be known as the “Mainstreet Project Sub-Area” and shall hereafter constitute a separate and additional “allocation area” within Expansion Area No. 1 pursuant to and in accordance with Indiana Code 36-7-14-39; and

WHEREAS, the Redevelopment Commission has prepared an economic development plan for Expansion Area No. 1 including the Mainstreet Project Sub-Area (the “Expansion Area No. 1 Plan”), which Expansion Area No. 1 Plan is attached to Declaratory Resolution No. 2-2011 as Exhibit D (together the Expansion Area No. 1 Plan and the Original Plan are referred to as the “Grand Junction Consolidated Economic Development Plan”); and

WHEREAS, the Redevelopment Commission has caused to be prepared:

(1) Maps and plats showing:

(A) the boundaries of Expansion Area No. 1 including the Mainstreet Project Sub-Area in which property would be acquired for, or otherwise affected by, the establishment of a redevelopment project area;

- (B) the location of the various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning, or redevelopment of the area, and any parcels of property to be excluded from the acquisition or otherwise excluded from the effects of the establishment of the redevelopment project area;
 - (C) the parts of Expansion Area No. 1 including the Mainstreet Project Sub-Area acquired, if any, that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the Expansion Area No. 1 Plan; and
- (2) Lists of the owners of the various parcels of property proposed to be acquired, if any are known at this time;
 - (3) An estimate of the cost of acquisition, redevelopment and economic development of Expansion Area No. 1 including the Mainstreet Project Sub-Area.

WHEREAS, the Redevelopment Commission has caused to be prepared a factual report (the “Expansion Area No. 1 Report”) in support of the findings contained in this resolution, which Expansion Area No. 1 Report is attached as and incorporated by reference in this resolution;

WHEREAS, the Amendment will produce a net enlargement of the Original Area; and,

WHEREAS, the Redevelopment Commission submitted the Declaratory Resolution No. 2-2011 and supporting data to the Plan Commission, and on September 6, 2011, the Plan Commission issued its written Order approving the Declaratory Resolution No. 2-2011; and,

WHEREAS, on September 12, 2011, the Common Council of the City (the “Common Council”) approved the Order of the Plan Commission and approved the Declaratory Resolution No. 2-2011 and the actions of the Redevelopment Commission pursuant to Indiana Code 36-7-14-16(b); and,

WHEREAS, the Redevelopment Commission published notice in *The Times* on September 1, 2011, of the adoption and substance of the Declaratory Resolution No. 2-2011 in accordance with Indiana Code 36-7-14-17.5 and Indiana Code 5-3-1 which public notice also gave notice of a public hearing on the proposed Amendment to be considered by the Redevelopment Commission and the opportunity to have remonstrances and objections heard by the Redevelopment Commission; and,

WHEREAS, the public notice described in the preceding paragraph was also filed in the office of the Plan Commission, the Westfield Board of Zoning Appeals, the Westfield Building Commissioner, the Westfield Board of Public Works and the Westfield Board of Parks and Recreation, and any other departments, bodies or officers having to do with City planning, variances from zoning ordinances, land use or the issuance of building permits and were mailed

to affected neighborhood associations and to each owner of parcels in Expansion Area No. 1; and,

WHEREAS, copies of the public notice were also filed with the officer authorized to fix budgets, tax rates and tax levies under Indiana Code 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed Grand Junction Expansion Area No. 1 Allocation Area and the Mainstreet Project Sub-Allocation Area, together with a statement disclosing the impact of the Grand Junction Expansion Area No. 1 Allocation Area and the Mainstreet Project Sub-Allocation Area, which includes:

- (A) The estimated economic benefits and costs incurred by the Grand Junction Expansion Area No. 1 Allocation Area and the Mainstreet Project Sub-Allocation Area, as measured by increased employment and anticipated growth of real property assessed values; and
- (B) The anticipated impact on tax revenues of each taxing unit; and,

WHEREAS, prior to the adoption of the resolutions hereinafter set forth, and at such meeting, the Redevelopment Commission conducted a public hearing at which the Redevelopment Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed; and,

WHEREAS, after being fully advised in the matter,

NOW, THEREFORE, BE IT RESOLVED by the Westfield Redevelopment Commission, as follows:

1. The Redevelopment Commission has considered the evidence presented and now finds and determines that it will be of public utility and benefit to proceed with and adopt the Declaratory Resolution No. 2-2011.
2. Upon consideration of the evidence and findings presented to the Redevelopment Commission, the Redevelopment Commission hereby finds the Amendment, as set forth herein, will benefit the public health and welfare of the citizens of the City and the State of Indiana and is reasonable and appropriate when considered in relation to the original Plan and the purposes of the Act, and hereby approves and confirms the Amendment.
3. The Redevelopment Commission hereby finds that the Plan, together with the proposed Amendment described herein, conform to the Comprehensive Plan for the City.
4. The Redevelopment Commission hereby amends the Declaratory Resolution to add and include the Amendment.
5. The Declaratory Resolution No. 2-2011, as confirmed, shall be attached to and incorporated in this Confirmatory Resolution, as Exhibit A. The Secretary is hereby directed to

maintain a copy of this Confirmatory Resolution with the Redevelopment Commission and record this Confirmatory Resolution with the Hamilton County Recorder.

6. In all other respects, the Declaratory Resolution and the Plan, as amended by the Amendment, shall remain in full force and effect.

7. The Redevelopment Commission may exercise its authority pursuant to the Act for the purpose contemplated by the Amendment herein, including but not limited to the development and redevelopment within the Grand Junction Consolidated Economic Development Area, all for the purposes set forth herein.

8. This Confirmatory Resolution shall be effective upon its adoption and passage.

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ADOPTED AND PASSED THIS 12TH DAY OF SEPTEMBER, 2011,
BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED, BY THE
WESTFIELD REDEVELOPMENT COMMISSION, HAMILTON COUNTY, INDIANA.

By: _____
Pete Emigh, President

By: _____
Doug Holtz, Vice President

By: _____
Scott Robison, Secretary

By: _____
Joseph E. Ingalls, Member

By: _____
Joseph Plankis, Member

ATTEST:

This resolution prepared by:

James T. Crawford, Jr., Attorney at Law
Krieg DeVault LLP
949 East Conner Street, Suite 200
Noblesville, IN 46060
317-238-6239

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

James T. Crawford, Jr., Attorney at Law

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EXHIBIT A

**AMENDED DECLARATORY RESOLUTION NO. 2-2011 OF THE
WESTFIELD REDEVELOPMENT COMMISSION REGARDING THE
GRAND JUNCTION ECONOMIC DEVELOPMENT AREA,
adopted by the Westfield Redevelopment Commission on August 29, 2011**